

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE:	§	
	§	CASE No. 17-32186 (MI)
UPLIFT RX, LLC	§	
	§	CHAPTER 11
<i>Debtors</i>	§	
	§	(Jointly Administered)
MICHAEL FOREMAN, LIQUIDATING	§	
TRUSTEE OF THE ALLIANCE HEALTH	§	
LIQUIDATING TRUST,	§	ADVERSARY No. 22-03275 (MI)
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	
	§	
BAKER & HOSTETLER LLP,	§	
	§	
<i>Defendant.</i>	§	

JOINT STATUS REPORT

TO THE HONORABLE MARVIN ISGUR, UNITED STATES BANKRUPTCY JUDGE:

Under the Court’s February 13, 2025 Order Requiring Parties to File A Status Report (Dkt. 188), Plaintiff Michael Foreman, Liquidating Trustee of the Alliance Health Liquidating Trust (“Trustee”), and Defendant Baker & Hostetler LLP (“Baker”) (collectively, the “Parties”) respectfully provide this Joint Status Report.

The Parties scheduled a mediation in this matter for February 13, 2025, with Houston mediator, Paul Clote. Less than two weeks before the mediation, the insurance carriers for Baker informed Baker that they would not provide indemnity coverage to Baker for the two RICO claims remaining after this Court’s Memorandum Opinion (Dkt. 181) on Baker’s motion to dismiss.

Baker strongly disagrees with the position taken by its carriers. Baker has retained coverage counsel, who have responded to the carriers, disputing the carriers’ coverage position. Baker is awaiting the carriers’ response. But, since Baker already had expended its full

retention under the insurance policy and because it was uncertain who would fund any potential mediated settlement, Baker suggested – and the Trustee and the mediator agreed – that the February 13, 2025, mediation would be postponed.

The Parties and Baker's carriers have agreed to participate in a mediation which will be scheduled with the mediator to be conducted in four to six weeks (by April 4, 2025). During that period, Baker hopes to get more certainty concerning insurance coverage.

In light of the Parties' continued interest in mediating this dispute – instead of costly litigation – the Parties respectfully urge the Court to continue abating this case so that the Parties and Baker's carriers can participate in mediation. The Parties propose that they provide the Court with a further joint status report on or before April 11, 2025.

Respectfully submitted,

/s/ Joshua J. Newcomer

Joshua J. Newcomer
State Bar No. 24060329
jnewcomer@mckoolsmith.com
John J. Sparacino
State Bar No. 18873700
jsparacino@mckoolsmith.com
McKool Smith PC
600 Travis Street, Suite 7000
Houston, Texas 77002
Tel: (713) 485-7300
Fax: (713) 485-7344

Kyle Lonergan
klonergan@mckoolsmith.com
James Smith
jsmith@mckoolsmith.com
McKool Smith PC
One Manhattan West
395 9th Ave., 50th Floor
New York, NY 10001
Tel: (212) 402-9400

*Attorneys for Michael Foreman, Liquidating
Trustee of the Alliance Health Liquidating
Trust*

/s/ George M. Kryder

George M. Kryder
State Bar No. 11742900
gkryder@velaw.com
Jeremy M. Reichman
State Bar No. 24083722
jreichman@velaw.com
Michael C. Lee
State Bar No. 24109461
mlee@velaw.com
VINSON & ELKINS LLP
2001 Ross Avenue, Suite 3900
Dallas, Texas 75201
Tel: (214) 220-7700

Attorneys for Baker & Hostetler LLP

CERTIFICATE OF SERVICE

I certify that on February 27, 2025, a true and correct copy of the foregoing instrument was served on all counsel of record using the Court's electronic filing system.

/s/ George M. Kryder

George M. Kryder